



Attorney Docket: 225/48167CO
PATENT

#6
72818103 74

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: RAINER GADOW ET AL.

Serial No.: 09/934,552

Group Art Unit: 1774

Filed: AUGUST 23, 2001

Examiner: Merrick L. Dixon

Title: FIBER-REINFORCED COMPOSITE CERAMICS
INFILTRATED WITH MOLTEN METAL

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GROUP 1700

Second Request for Corrected Copy of Office Action

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Based on a phone discussion with the Examiner on June 18, 2003, it appears that the Office Action received by Applicants on May 20, 2003 was an erroneous version. On June 19, 2003, Applicants submitted a Request for Corrected Copy of Office Action. On July 22, 2003, the Examiner asked Applicants to resubmit the Request.

Applicants request a corrected copy of the Office Action. Applicants also respectfully request that the time period for reply to the Office Action be reset accordingly.

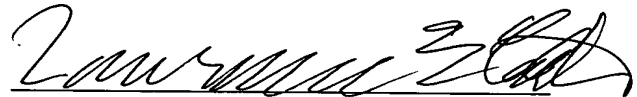
A copy of the Office Action received by Applicants on May 20, 2003 is attached. A copy of the original Request for Corrected Copy of Office Action and Certificate of Facsimile Transmission, filed June 19, 2003, is also attached.

If there are any questions regarding this request or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #225/48167CO).

July 23, 2003

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lawrence E. Carter", written over a horizontal line.

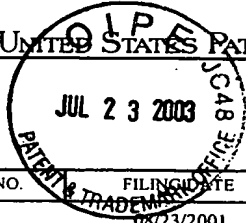
Lawrence E. Carter

Registration No. 51,532

CROWELL & MORING, LLP
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844



UNITED STATES PATENT AND TRADEMARK OFFICE



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UNITED STATES DEPARTMENT OF COMMERCE
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,552	08/23/2001	Rainer Gadow	225/48167CO	9621

7590 05/20/2003

CROWELL & MORING, L.L.P.
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER

DIXON, MERRICK L

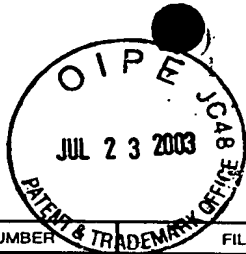
ART UNIT PAPER NUMBER

1774

DATE MAILED: 05/20/2003

Restriction: 6/19/03

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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RECEIVED
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EXAMINER
UNIT PAPER NUMBER

DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 30 days month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 36-82 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☐ Claim(s) _____ is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☒ Claims 36-82 are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved

Art Unit: 1774

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The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 1774.

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Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 36-82 are, drawn to a melt-infiltrated fiber reinforced article classified in class 428, subclass 293.4.
- II. Claims 19-36 are, drawn to a method of making a material, classified in class 427, subclass 372.2.

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The inventions are distinct, each from the other because:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the

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product as claimed can be made by a materially different process such as one that infiltrates the porous body during the pyrolysing step and not after.

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Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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A telephone call was made to applicant's attorney, Mr. W. Zitlau on 1/14/03 for an oral election to the above restriction requirement, but did not result in an election being made.

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Crystal Plaza Three Fax Center

A facsimile center has been established in Crystal Plaza 3. The hours of operations are Mondays through Friday, 8:45 to 4:45 PM. This new location should be used in all instances when faxing any correspondence to Group 1700. The Patent Examining Fax Center new telecopier numbers are (703) 305-3599 for all After Finals and 703-305-5408 for all others. Use of the new Crystal Plaza 3 center will facilitate rapid delivery of materials to the group. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989).

New! Applicants who wish to send a facsimile (draft copies) for the examiner's immediate review can now do so by using the Examiner Dixon's personal fax number at 703-872-9514. **NOTE: All facsimiles sent to the examiner's personal fax number should be in draft-forms and will be treated as informal. Same facsimiles will not be entered in the related applications unless otherwise noted by the examiner.**

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the receptionist whose number is (703)308-2351.

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Any questions concerning the instant communication should be directed to Examiner Dixon, at
703-308-0013, Mondays to Thursdays, between 12 noon and 6 PM, eastern time .

A handwritten signature in black ink, appearing to read "Merrick Dixon", with a stylized, cursive script.

Merrick Dixon

Primary Examiner

Group 1700



COPY

Attorney Docket: 225/48167CO
PATENT

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GROUP 1700

CERTIFICATE OF FACSIMILE TRANSMISSION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that an original of this Request for Corrected Copy of Office Action with a copy of an Office Action, dated May 20, 2003, is being faxed to Examiner Merrick L. Dixon at the U.S. Patent and Trademark Office (fax number: (703) 305-5408) on June 19, 2003.

June 19, 2003

Respectfully submitted,

Lawrence E. Carter
Registration No. 51,532

CROWELL & MORING, LLP
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844



Crowell Moring

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Date June 19, 2003

To: Primary Examiner: Merrick L. Dixon
Group Art Unit: 1774

Facsimile Telephone Number: (703) 305-5408 (Crystal Plaza Three Fax Center)

Total Number of Pages (Includes Cover Sheet): 9 //

From: Mr. Lawrence E. Carter

Phone: (202) 624-2500, ext. 2994

CAM Number: 095309.48167C0

User ID: 1403

Message: **Enclosed please find a Request for Corrected Copy of Office Action and a copy of the Office Action dated May 20, 2003**

Hard Copy to Follow: ☐ Yes ☒ No

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL TO WHOM, OR ENTITY TO WHICH, IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW.

If the reader of this message is not the intended recipient or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is prohibited. If you have received this communication in error, please notify us immediately by telephone (collect), and return the original message to us at the address listed above via the U.S. Postal Service.

Thank You

)
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Lawrence E. Carter

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